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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Derrick Jerome Davis

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

Anna Sumner,
David Stumbo
Ray Williams, Donald B. Hacker

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Complaint for Violation of Civil Rights

(Prisoner Complaint)

Case No. _____
(to be filled in by the Clerk's Office)

Jury Trial: ☐ Yes ☐ No
(check one)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

When submitted for filing, your complaint should be accompanied by the full filing fee or an application to proceed in *forma pauperis*.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Jerrick Jerome Davis
 All other names by which you have been known: _____

ID Number 50167
 Current Institution Greenwood County Detention Center
 Address 528 Galsfield St.
Greenwood SC 29646

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name Anna Sumner
 Job or Title Assistant Solicitor
 (if known)
 Shield Number _____
 Employer Greenwood county Solicitors office
 Address Cogg monument St. #203
Greenwood SC. 29646

☒ Individual capacity ☒ Official capacity

Defendant No. 2

Name David Stumbo

Job or Title (if known) Head Solicitor
 Shield Number _____
 Employer Greenwood County Solicitors office
 Address 600 monument St. #203
Greenwood Sc. 29646
☐ Individual capacity ☒ Official capacity

Defendant No. 3

Name Katy Williams
 Job or Title (if known) Detective
 Shield Number _____
 Employer Greenwood Police department
 Address 528 Edgefield St
Greenwood SC. 29646
☐ Individual capacity ☒ Official capacity

Defendant No. 4

Name Donald B. Hocker
 Job or Title (if known) Judge
 Shield Number _____
 Employer Laurens County
 Address 100 Hillcrest Square Suite B
Laurens SC, 29360
☐ Individual capacity ☒ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

My 4th, 5th, 6th, 8th, 13th and my 14th
amendments are being violated By Said
Party

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

I am suing one William Kay for acting
under color of the statute and laws of
this State By way of instructing one

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

☒ Pretrial detainee

☐ Civilly committed detainee

☐ Immigration detainee

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Judge "Lee Miller" not to release me on Bond in which is a violation of Section §17-15-10 which is a statute of this State and must be followed, therefore Detective William May stands to be held liable for my rights being violated along with the laws of this State therefore said Detective is also in violation of my amended rights of the Constitution such as my 4th, 5th, 6th, 8th, 13th, and 14th

Anna Sumnar acted under color By way of instructing Judge to deny me a bond when I went back up for a bond, which goes against statute §17-15-10 which states that every person that has a non-capital crime must be released pending trial, therefore said Assistant Solicitor Anna Sumnar stands in violation of said Statute that govern said law of this State and By doing so Anna Sumnar also stands in violation of my amended rights of the Constitution such as my 4th, 5th, 6th, 8th, 13th, and 14th

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David Stumbo stands in violation
the same as one Anna Sumnar Being
that he is her Boss and the State -
ments that Anna Sumnar made to the
Judge was only what her Superior
instructed her to do therefore one

David Stumbo stands in violation of
Statute § 17-15-10 which states that
every person that has a non-capital
crime must be released pending trial
therefor said Solicitor Stumbo also
stands in violation of the laws of this
State along with my amended rights of
the constitution such as my 4th, 5th,
6th, 8th, 13th and 14th amendments

Judge, Donald B. Hacker
has acted under color By way of not
allowing me to be released pending
trial according to Statute § 17-15-10, But
denied me bail in which goes against
the laws of this state, the very laws that
he took an oath to uphold he has
violated along with my amended rights
of the constitution such as my 4th,
5th, 6th, 8th, 13th and 14th amendments

- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

Greenwood County Detention Center July 11, 2018

- C. What date and approximate time did the events giving rise to your claim(s) occur?

July 11, 2018

- D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

On July 10 2018 I was arrested on several criminal charges and Brought to the Greenwood county Detention Center where I was

2015

to be took before a judge for Bail in-
 which I did on July 11 2018 go before
 Judge Lee Miller to have bail set on
 Serial Criminal charges But due to state-
 ments made By one Kay Williams my
 Bail was denied in which Anna Sumner
 was in attendance at this hearing,
 at which time I was Brought Back
 and placed in B-unit until August
 2018 at which time I was took to
 general Session for another Bond
 hearing in which By way of Anna
 Sumner statements to the Judge
 my Bond was once again denied and
 from my understanding she was doing
 the deeds and will of her Boss David
 Stumbo. in which puts her Anna
 Sumner, David Stumbo along with
 Judge

in

violation of Statute §17-15-10 in which
 states that any person charged with
 a non-capital crime must be released
 pending trial on his own recognizance
 without surety, unless the Judge
 determines that such release 1)
 would not reasonably assure the

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the appearance of the accused at trial or. 2) would result in an unreasonable danger to the community. and if said judge determines in a non-capital case any of the 2 factors stated above the defendant still has a constitutional right to bail. But the judge may impose conditions on said release as stated in statute §17-15-20, not "Deny" in which in my case my Bond has been denied my second time going up for a Bond By way of Anna Sumner's statements to the judge as to me not being released on Bail and to be held in jail until my trial Date. Being that the laws of this state says that I should have a bond and be released along with every other Pre-Trial detainee in the Greenwood County Detention Center, which means we are being held against our will which is a form of Kidnap according to 18-U.S.C. section 1201, and my understanding of the law is that no one can Break it to obtain it there-

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fore by me being held in the Greenwood County Detention center against my will and unlawfully that also puts said party in violation of the laws of this State along with my constitutional Rights such as my 4th, 5th, 6th, 8th, 13th and 14th amendment in more ways than one as follows my 4th amendment states that "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, in which case I have been seized "held" unreasonable, my 5th amendment stands in violation by way of me being deprived of liberty without the due process of law, when it comes to the circumstance surrounding my criminal case, my 6th amendment stands in violation because it states that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, and to have compulsory process of obtaining witnesses in my favor. in which in my case is not possible due to the fact that I'm being held in jail without

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baill therefore I cant get any witnesses together. my 8th amendment stands in violation Because it states that Excessive baill shall not be required, "as in no Baill is Excessive" being that there is no way to pay a Baill if I dont have one. it also states that I should not be Subjucted to cruel and unusual punishment, once again By me not having Baill Set in my criminal case puts all parties in violation of Subjucting me to cruel and unusual punishment, which shows how my 13th amendment is also in violation as follows "Neither Slavery nor involuntary Servitude, except as a punishment for a crime where of the party shall have been duly convicted. its simple I'm being treated as a convicted prisoner according to what my 13th amendment states. Without being convicted, now with all of the violation I've pointed out in this complaint. said party also stands to violate my 14th amendment, Because it states no

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State shall deprive any person of life, liberty, without due process of law; nor deny to any person within its jurisdiction the equal protection of law, as in my case there is no equal protection due to all the violation that's been pointed out in said complaint. therefore my rights stands in violation, the laws of this state says that "it presumes the defendant to be innocent of the charge made against him in the arrest warrant until his guilt has been proven beyond a reasonable doubt. I have not been found guilty of said charges therefore I should not be held in jail because I meet all of the standards to be released, the law also states that arrests may be generally defined as a deprivation of right to movement against his will and by force, threat or assertion of authority, in which describes my detainment here in the Greenwood county Detention Center as a form of kidnap, by the Solicitors office... and recognizing the seriousness of an

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interference with and individual's right of liberty. the U.S constitution and the S.C. constitution have placed restrictions of the power of arrest...

These are all of the facts underlying my claim therefore I pray that this claim/ complaint Be received and handled according to the laws of this State

Jerrick Galavis
Jerrick Galavis

Date

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I have suffered from Emotional Distress and due to this I have been placed on Celexa to help control the stress that's been put on me through this time of me being here in the Greenwood County Detention center

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

In money Damage I'm asking for \$1000.00 one thousand dollars for each day that I have been incarcerated and one million dollar for the emotional Distress I have had to suffer I also would like a declaratory

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

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adjudgment, where the judge can explain all the legal rights along with all of the legal duties and obligation of the municipal judges and the Solicitor to ensure that all people charged with a non-capital crime receive Bail, also I want to seek an injunction, so that the judge may order that these changes be made and that a stop be put to this on going conduct Because as we know money damages alone will not fix this problem.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Greenwood County Detention Center

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☐ No

☒ Do not know

If yes, which claim(s)?

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes

☒ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☒ No

E. If you did file a grievance:

1. Where did you file the grievance?

2. What did you claim in your grievance?

3. What was the result, if any?

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. *(Describe all efforts to appeal to the highest level of the grievance process.)*

I didnt file a grievance Because
it was a matter that I was in contact
with my criminal lawyer Charles
Grose about

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

I couldn't get this matter fixed
through the grievance system that's
why I stayed in contact with my
criminal lawyer Charles Crose

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

Lawyer Charles Crose By way of
Phone an in person meeting Anna
Sumner By way of motion filed
By my criminal lawyer for me

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

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to go before a judge to have bail set
in my case

If so, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☒ Yes

☐ No

- D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s)

Derrick J. Davis

Defendant(s)

Chad Cox, Donna Miller, Lt T. Montgomery

2. Court (if federal court, name the district; if state court, name the county and State)

Greenwood county
South Carolina

3. Docket or index number

C/A NO 6:18-3428-RMG-KFM

- ✓ 4. Name of Judge assigned to your case

Kevin F McDonald

- ✓ 5. Approximate date of filing lawsuit

1-1-2019

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

dismissed/ not appealed

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____, 20__.

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

City

State

Zip Code

B. For Attorneys

Date of signing: _____, 20__.

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

528 Edgelyd St

Telephone Number

Greenwood Sc. 29646

E-mail Address